



# House of Representatives

## File No. 756

General Assembly

January Session, 2017

**(Reprint of File No. 45)**

Substitute House Bill No. 6356  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 12, 2017

### **AN ACT CONCERNING PUBLIC NOTICE OF TREE REMOVAL ON MUNICIPAL PROPERTY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 23-65 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Any person, firm or corporation which affixes to a telegraph,  
4 telephone, electric light or power pole, or to a tree, shrub, rock or other  
5 natural object [in] on any municipal property or in any public way or  
6 grounds, a playbill, picture, notice, advertisement or other similar  
7 thing, or cuts, paints or marks such tree, shrub, rock or other natural  
8 object, except for the purpose of protecting it or the public and under a  
9 written permit from the town tree warden, the borough tree warden,  
10 city forester or Commissioner of Transportation, as the case may be, or,  
11 without the consent of the tree warden or of the officer with similar  
12 duties, uses climbing spurs for the purpose of climbing any  
13 ornamental or shade tree within the limits of any municipal property  
14 or public highway or grounds, shall be fined not more than fifty

15 dollars for each offense.

16 (b) Any person, firm or corporation, other than a tree warden or  
17 deputy tree warden, who removes, prunes, injures or defaces any  
18 shrub or ornamental or shade tree, within the limits of a parcel of  
19 municipal property or public way or grounds, without the legal right  
20 or written permission of the town tree warden, the borough tree  
21 warden, the city forester, the Commissioner of Transportation, the  
22 Public Utilities Regulatory Authority or other authority having  
23 jurisdiction, may be ordered by the court in any action brought by the  
24 property owner or the authority having jurisdiction affected thereby to  
25 restore the land to its condition as it existed prior to such violation or  
26 shall award the landowner the costs of such restoration, including  
27 reasonable management costs necessary to achieve such restoration,  
28 reasonable attorney's fees and costs and such injunctive or equitable  
29 relief as the court deems appropriate. In addition, the court may award  
30 damages of up to five times the cost of restoration or statutory  
31 damages of up to five thousand dollars. In determining the amount of  
32 the award, the court shall consider the willfulness of the violation, the  
33 extent of damage done to natural resources, if any, the appraised value  
34 of the shrub or ornamental or shade tree, any economic gain realized  
35 by the violator and any other relevant factors. The appraised value  
36 shall be determined by the town tree warden, the borough tree  
37 warden, the city forester, the Commissioner of Transportation, the  
38 Public Utilities Regulatory Authority or other authority having  
39 jurisdiction and shall be determined in accordance with regulations  
40 adopted by the Commissioner of Energy and Environmental  
41 Protection. The commissioner shall adopt regulations, in accordance  
42 with the provisions of chapter 54, to develop guidelines for such plant  
43 appraisal. The regulations may incorporate by reference the latest  
44 revision of The Guide for Plant Appraisal, as published by the  
45 International Society of Arboriculture, Urbana, Illinois. Until such time  
46 as regulations are adopted, appraisals may be made in accordance  
47 with said Guide for Plant Appraisal.

48 (c) Any person, firm or corporation which deposits or throws any

49 advertisement within the limits of any municipal property or public  
50 way or grounds, or upon private premises or property, unless the  
51 same is left at the door of the residence or place of business of the  
52 occupant of such premises or property, or deposits or throws any  
53 refuse paper, camp or picnic refuse, junk or other material within the  
54 limits of any parcel of municipal property or public way or grounds,  
55 except at a place designated for that purpose by the authority having  
56 supervision and control of such municipal property or public way or  
57 grounds, or upon private premises or property without permission of  
58 the owner thereof, or affixes to or maintains upon any tree, rock or  
59 other natural object within the limits of a parcel of municipal property  
60 or public way or grounds any paper or advertisement other than  
61 notices posted in accordance with the provisions of the statutes, or  
62 affixes to or maintains, upon the property of another without his  
63 consent, any word, letter, character or device intended to advertise the  
64 sale of any article, shall (1) for a first offense, be fined not more than  
65 two hundred fifty dollars, and (2) for any subsequent offense, be guilty  
66 of a class C misdemeanor.

67 (d) The removal, pruning or wilful injury of any shrub or  
68 ornamental or shade tree, or the use of climbing spurs upon any  
69 ornamental or shade tree without the consent of the tree warden or of  
70 the officer with similar duties or the affixing of any playbill, picture,  
71 notice, advertisement or other similar thing concerning the business or  
72 affairs of any person, firm or corporation, to a pole, shrub, tree, rock or  
73 other natural object, within the limits of any parcel of municipal  
74 property, public way or grounds in violation of the provisions of this  
75 section by an agent or employee of such person, firm or corporation,  
76 shall be deemed to be the act of such person, firm or corporation, and  
77 such person, or any member of such firm or any officer of such  
78 corporation, as the case may be, shall be subject to the penalty herein  
79 provided, unless such act is shown to have been done without his  
80 knowledge or consent.

81 (e) The affixing of each individual playbill, picture, notice,  
82 advertisement or other similar thing to a pole, shrub, tree, rock or

83 other natural object, or the wilful removing, pruning, injuring or  
84 defacing of each shrub or tree, or the throwing of each individual  
85 advertisement or lot of refuse paper or other material within the limits  
86 of any parcel of municipal property or public way or grounds or on  
87 private premises, shall constitute a separate violation of the provisions  
88 of this section. Nothing in this section shall affect the authority of a tree  
89 warden, either by himself or by a person receiving a written permit  
90 from him, to remove, prune or otherwise deal with a shrub or tree  
91 under his jurisdiction.

92 (f) Any person, firm or corporation, other than a tree warden or his  
93 deputy, who desires the cutting or removal, in whole or in part, of any  
94 tree or shrub or part thereof within the limits of any parcel of  
95 municipal property or public road or grounds, may apply in writing to  
96 the town tree warden, the borough tree warden or the Commissioner  
97 of Transportation or other authority having jurisdiction thereof for a  
98 permit so to do. Upon receipt of such permit, but not before, the  
99 applicant may proceed with such cutting or removal, provided doing  
100 so is also consistent with section 16-234, as amended by this act, if  
101 applicable. Before granting or denying such permit, such authority  
102 may hold a public hearing as provided in section 23-59. Such  
103 application shall be acknowledged by the authorizing authority upon  
104 the commencement of any public comment period or public hearing or  
105 upon such authority's decision to forego such a hearing. When the  
106 applicant is a public utility corporation, the party aggrieved by such  
107 decision may, within ten days, appeal therefrom to the Public Utilities  
108 Regulatory Authority, which shall have the power to review, confirm,  
109 change or set aside the decision appealed from and its decision shall be  
110 final provided a tree warden's reasonable delay to act on such an  
111 application for the purpose of public comment or review of the  
112 affected vegetation shall not be considered a denial or constitute  
113 grounds for an appeal to the Public Utilities Regulatory Authority. The  
114 burden of proving that public convenience and necessity requires the  
115 proposed cutting or removal shall be on the utility. This appeals  
116 process shall be in addition to the powers granted to the Public

117 Utilities Regulatory Authority under section 16-234, as amended by  
118 this act, provided, if an application for such permit has been made to  
119 either a tree warden or the Commissioner of Transportation or other  
120 authority and denied by him, an application for a permit for the same  
121 relief shall not be made to any other such authority. Upon any  
122 approval of such a permit by the Commissioner of Transportation, he  
123 shall notify the tree warden for the town in which the tree is located.  
124 Upon any approval of such a permit by the Commissioner of  
125 Transportation, the permittee shall notify the tree warden for the town  
126 in which the tree is located prior to cutting any such tree.

127 Sec. 2. Section 16-234 of the general statutes is repealed and the  
128 following is substituted in lieu thereof (*Effective from passage*):

129 (a) As used in this section:

130 (1) "Utility" means a telephone, telecommunications or electric  
131 distribution company, each as defined in section 16-1;

132 (2) "Utility protection zone" means any rectangular area extending  
133 horizontally for a distance of eight feet from any outermost electrical  
134 conductor or wire installed from pole to pole and vertically from the  
135 ground to the sky;

136 (3) "Hazardous tree" means any tree or part of a tree that is (A)  
137 dead, (B) extensively decayed, or (C) structurally weak, which, if it  
138 falls, would endanger utility infrastructure, facilities or equipment;

139 (4) "Vegetation management" means the retention of trees and  
140 shrubs that are compatible with the utility infrastructure and the  
141 pruning or removal of trees, shrubs or other vegetation that pose a risk  
142 to the reliability of the utility infrastructure. Until such time as the  
143 Department of Energy and Environmental Protection issues standards  
144 for identifying such compatible trees and shrubs, the standards and  
145 identification of such compatible trees and shrubs shall be as set forth  
146 in the 2012 final report of the State Vegetation Management Task  
147 Force;

148       (5) "Pruning" means the selective removal of plant parts to meet  
149 specific utility infrastructure reliability goals and objectives, when  
150 performed according to current professional tree care standards and in  
151 a manner that retains the structural integrity and health of the  
152 vegetation;

153       (6) "Abutting property owner" means the owner of the property  
154 abutting or adjacent to that portion of a public road, public highway or  
155 public grounds where the tree or shrub that the utility proposes to  
156 remove or prune is located; and

157       (7) "Private property owner" means the owner of the property  
158 where a tree or shrub the utility proposes to remove or prune is  
159 located, which may include municipally owned land.

160       (b) A utility may perform vegetation management within the utility  
161 protection zone, as necessary, to secure the reliability of utility  
162 services.

163       (c) (1) In conducting vegetation management, no utility shall prune  
164 or remove any tree or shrub within the utility protection zone, or on or  
165 overhanging any public road, public highway or public ground,  
166 without delivering notice of the proposed vegetation management to  
167 the abutting property owner or private property owner. Such notice  
168 shall include the option for the abutting property owner or private  
169 property owner to consent, in writing, to such proposed pruning or  
170 removal, object to such proposed pruning or removal or modify such  
171 proposed pruning or removal. The notice shall include instructions  
172 regarding how the recipient may object in accordance with subdivision  
173 (3) of this subsection. Such notice shall also include a statement that if a  
174 person objects to the proposed pruning or removal, and such tree falls  
175 on any utility infrastructure, such person shall not be billed by the  
176 utility for any resulting damage. If requested by an owner of private  
177 property, the utility, municipality or the Commissioner of  
178 Transportation, as appropriate, shall provide such owner with  
179 information regarding whether a tree or shrub to be pruned or

180 removed is in the public right-of-way or whether such tree or shrub is  
181 on such owner's private property.

182 (2) Notice shall be considered delivered when it is (A) mailed to the  
183 abutting property owner or private property owner via first class mail,  
184 electronic mail or text message, (B) delivered, in writing, at the location  
185 of the abutting property or private property owner, or (C)  
186 simultaneously conveyed verbally and provided in writing to the  
187 abutting property owner or private property owner. A utility shall  
188 deliver such notice to the abutting property owner or private property  
189 owner at least fifteen business days before the starting date of any such  
190 pruning or removal. For any tree located within a public right-of-way,  
191 notice shall not be considered delivered until an application is made  
192 and acknowledged in accordance with the provisions of subsection (f)  
193 of section 23-65, as amended by this act.

194 (3) The notice shall indicate that (A) objection to pruning or removal  
195 shall be filed, in writing, with the utility and either the tree warden of  
196 the municipality or the Commissioner of Transportation, as  
197 appropriate, not later than ten business days after delivery of the  
198 notice, and (B) the objection may include a request for consultation  
199 with the tree warden or the Commissioner of Transportation, as  
200 appropriate. For purposes of this section, an abutting property owner  
201 may file an objection or request for modification by (i) sending a  
202 written objection or request for modification to the utility or tree  
203 warden at the address for each specified on the notice, provided if the  
204 written objection is mailed, it shall be deemed received on the date it is  
205 postmarked, or (ii) sending by electronic mail an objection or request  
206 for modification to the dedicated electronic mail address maintained  
207 by the utility as specified on the notice.

208 (4) The utility shall not prune or remove any tree or shrub that is  
209 outside of the public right-of-way unless it receives written affirmative  
210 consent from the private property owner to whom notice is required in  
211 accordance with subdivision (2) of this subsection.

212 (5) If no objection is filed by the abutting property owner in  
213 accordance with subdivision (3) of this subsection, the utility may  
214 prune or remove the trees or shrubs for which notice of pruning or  
215 removal has been delivered, provided the utility has also received a  
216 permit as required by subsection (f) of section 23-65, as amended by  
217 this act. Nothing in this chapter shall be construed to limit the power  
218 and authority of a tree warden as set forth in subsection (f) of section  
219 23-65, as amended by this act.

220 (6) If the abutting property owner files an objection or request for  
221 modification pursuant to subdivision (3) of this subsection, or if the  
222 utility does not accept the modification to the original notice, as  
223 described in subdivision (1) of this subsection, the tree warden of the  
224 municipality or the Commissioner of Transportation, as appropriate,  
225 shall issue a written decision as to the disposition of the tree or shrub  
226 not later than ten business days after the filing date of such objection.  
227 This decision shall not be issued before a consultation with the  
228 abutting property owner if such a consultation has been requested. The  
229 abutting property owner or the utility may appeal the tree warden's  
230 decision to the Public Utilities Regulatory Authority within ten  
231 business days after the tree warden's decision.

232 (A) Prior to the final decision in the docket described in subsection  
233 (c) of section 16-32h, the authority shall hold a hearing within sixty  
234 calendar days of receipt of the abutting property owner's or utility's  
235 written appeal of the tree warden's decision and shall provide notice of  
236 such hearing to the abutting property owner, the tree warden or the  
237 Commissioner of Transportation, as appropriate, and the utility. The  
238 authority may authorize the pruning or removal of any tree or shrub  
239 whose pruning or removal has been at issue in the hearing if it finds  
240 that public convenience and necessity requires such action. The burden  
241 of proving that public convenience and necessity requires such action  
242 shall be on the utility.

243 (B) On and after the effective date of the final decision issued in the  
244 docket described in subsection (c) of section 16-32h, the entity



245 designated by the authority, as determined by such docket, shall hold  
246 a mediation session not later than thirty calendar days after receipt of  
247 the abutting property owner's or utility's appeal of the tree warden's or  
248 the Commissioner of Transportation's decision and shall provide  
249 notice of such mediation session to the abutting property owner, the  
250 tree warden or the Commissioner of Transportation, as appropriate,  
251 and the utility, provided the abutting property owner may opt not to  
252 utilize such mediation session and proceed to the hearing described in  
253 this subparagraph. In the event that the appeal is not settled by  
254 mediation, or the abutting owner elects not to use such mediation  
255 session, the authority shall hold a hearing not later than thirty calendar  
256 days after the conclusion of the mediation session, or within sixty  
257 calendar days of the receipt of the abutting property owner's written  
258 appeal if there is no mediation session, and shall provide notice of such  
259 hearing to the abutting property owner, the tree warden, or the  
260 Commissioner of Transportation, as appropriate, and the utility. The  
261 authority may authorize the pruning, removal or stump grinding of  
262 any tree or shrub whose pruning or removal has been at issue in the  
263 hearing if it finds that public convenience and necessity requires such  
264 action. The burden of proving that public convenience and necessity  
265 requires such action shall be on the utility.

266 (7) When an objection or request for modification has been filed  
267 pursuant to subdivision (3) of this subsection, no tree or shrub subject  
268 to the objection or request for modification shall be pruned or removed  
269 until a final decision has been reached pursuant to subdivision (6) of  
270 this subsection.

271 (d) Subsection (c) of this section shall not apply if the tree warden of  
272 the municipality or the Commissioner of Transportation, as  
273 appropriate, authorizes, in writing, pruning or removal by the utility  
274 of a hazardous tree within the utility protection zone or on or  
275 overhanging any public highway or public ground. If the hazardous  
276 tree is outside of the public right-of-way, the utility shall make a  
277 reasonable effort to notify the property owner of the proposed pruning  
278 or removal at least three days prior to performing such pruning or

279 removal. Nothing in this subsection shall be construed to require a  
280 utility to prune or remove a tree.

281 (e) No utility shall be required to obtain a permit pursuant to  
282 subsection (f) of section 23-65, as amended by this act, or provide  
283 notice under subsection (c) of this section to prune or remove a tree, as  
284 necessary, if any part of a tree is in direct contact with an energized  
285 electrical conductor or has visible signs of burning. Nothing in this  
286 subsection shall be construed to require a utility to prune or remove a  
287 tree.

288 (f) No utility shall exercise any powers which may have been  
289 conferred upon it to change the location of, or to erect or place, wires,  
290 conductors, fixtures, structures or apparatus of any kind over, on or  
291 under any public road, public highway or public ground, without the  
292 consent of the adjoining proprietors or, if such company is unable to  
293 obtain such consent, without the approval of the Public Utilities  
294 Regulatory Authority, which shall be given only after a hearing upon  
295 notice to such proprietors. The authority may, if it finds that public  
296 convenience and necessity require, authorize the changing of the  
297 location of, or the erection or placing of, such wires, conductors,  
298 fixtures, structures or apparatus over, on or under such public road or  
299 highway or public ground.

300 (g) Each utility shall operate an electronic mail account to receive  
301 objections, requests for modification, inquiries or complaints pursuant  
302 to subsections (a) to (f), inclusive, of this section.

303 (h) When conducting vegetation management within a utility  
304 protection zone pursuant to this section, the utility shall provide for  
305 the removal or disposition of any debris generated as a result of such  
306 pruning or removal. The provisions of this subsection shall apply only  
307 to vegetation management requested by the utility and approved  
308 pursuant to this section and, if applicable, section 23-65, as amended  
309 by this act.

310 (i) Not later than January 31, 2017, and each year thereafter, each

311 utility intending to conduct vegetation management in a town or  
 312 borough in this state shall provide the following to the tree warden of  
 313 such town or borough, or to the chief elected official of each such town  
 314 or borough: (1) A plan detailing the proposed roads or areas in said  
 315 town or borough where such vegetation management will take place  
 316 in the forthcoming calendar year, and (2) the estimated time schedule  
 317 for such proposed vegetation management. Each town or borough  
 318 provided with a utility vegetation management plan in accordance  
 319 with this subsection shall make such plan publicly available, by  
 320 electronic means or otherwise, not later than fourteen days after  
 321 receipt, and keep such plan publicly available for the remainder of the  
 322 forthcoming calendar year.

323 (j) Except as provided in subsection (e) of this section, (1) nothing in  
 324 this section shall be construed to authorize any utility to conduct  
 325 vegetation management in any utility protection zone, or portion  
 326 thereof, that is located on any parcel of municipal property without  
 327 complying with the provisions of section 23-65, as amended by this act,  
 328 and (2) any vegetation management conducted in such a zone in  
 329 violation of the requirements of section 23-65, as amended by this act,  
 330 shall be considered a violation of this title for purposes of section 16-  
 331 41.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	23-65
Sec. 2	<i>from passage</i>	16-234

Section 1	<i>from passage</i>	23-65
Sec. 2	<i>from passage</i>	16-234

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

---

### ***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:***

<b>Municipalities</b>	<b>Effect</b>	<b>FY 18 \$</b>	<b>FY 19 \$</b>
Various Municipalities	Revenue Gain	Potential Minimal	Potential Minimal

### ***Explanation***

The bill expands to municipal property prohibitions regarding certain actions relating to trees or other natural objects, posting notices on certain objects, distributing or discarding notices, or conducting vegetation management activities in certain zones. It also requires utilities to comply with the bill's provisions when they are managing vegetation on certain municipal property.

This may result in a minimal revenue gain to municipalities associated with violations of the bill's provisions. In FY 15, there was one offense generating \$50 in local revenue.

House "A" replaced the underlying bill resulting in the impact described above.

### ***The Out Years***

The annualized ongoing fiscal impact described above would continue into the future subject to the number of violations.

---

**OLR Bill Analysis****sHB 6356 (as amended by House "A")\******AN ACT CONCERNING PUBLIC NOTICE OF TREE REMOVAL ON MUNICIPAL PROPERTY.*****SUMMARY**

This bill applies to municipal property various prohibitions on (1) pruning, removing, injuring, marking, or defacing trees or other natural objects; (2) posting notices; and (3) distributing or discarding advertisements and certain other materials. These laws already apply to public ways and grounds and, in certain cases, to private premises and property.

The bill also requires telephone, telecommunications, and electric distribution companies (i.e., utilities) to comply with its application and permitting provisions when managing vegetation in any part of a utility protection zone located on municipal property (see BACKGROUND). It subjects utilities that do not comply with the bill's and existing law's requirements when managing vegetation in such zones to civil penalties of up to \$10,000 for each violation, in addition to other penalties under law. But it exempts from these requirements those cases in which a utility prunes or removes a tree that is in direct contact with an energized electrical conductor or that has visible signs of burning.

It extends to municipal property, and makes several changes in, the laws on cutting or removing trees and shrubs on public roads and grounds. It also changes notice requirements when a utility intends to prune or remove a tree or shrub in a public right of way.

\*House Amendment "A" (1) subjects utilities that violate the bill's provisions to a civil penalty of up to \$10,000 per violation, in addition

to other penalties, but exempts utilities that prune or remove trees touching electrical conductors or that have burned; (2) extends to municipal property, and makes several changes in, the law on cutting or removing trees and shrubs on public roads and grounds; and (3) changes notice requirements when a utility intends to prune or remove a tree or shrub in a public right of way.

EFFECTIVE DATE: Upon passage

### **PROHIBITIONS APPLYING TO MUNICIPAL PROPERTY**

The bill prohibits persons, firms, and corporations from conducting the following activities on any municipal property unless they receive appropriate permission or authorization (see below):

1. attaching notices, advertisements, flyers, and similar items to trees, shrubs, rocks, or other natural objects;
2. cutting, painting, or marking trees, shrubs, rocks, or other natural objects, except to protect them or the public;
3. using climbing spurs to climb an ornamental or shade tree;
4. removing, pruning, willfully injuring, or defacing a shrub or ornamental or shade tree;
5. depositing or throwing any advertisement or, with certain exceptions, refuse paper, camp or picnic refuse, junk, or other material; or
6. affixing to trees, rocks, or natural objects a paper or advertisement other than a legally posted notice.

The bill subjects violators of these provisions to penalties under existing law for similar violations committed on public ways and grounds. Thus, a violation of each of the first three provisions is punishable by a \$50 fine, treated as an infraction. A court may order anyone who violates the fourth provision (illegally removing, pruning, injuring, or defacing a shrub or ornamental or shade tree) to restore the

land to its prior condition and pay damages of up to five times the cost of restoration or up to \$5,000. The law subjects anyone who violates the fifth and sixth provisions to a fine of up to \$250 for a first offense, which is treated as an infraction. Each subsequent offense is a class C misdemeanor, punishable by a fine of up to \$500 and up to three months in prison.

The bill also extends to municipal property the following laws:

1. deeming certain actions of agents or employees of persons, firms, or corporations to be those of the person, firm, or corporation, unless shown to be without their knowledge or consent; and
2. considering as a separate violation each instance of affixing a notice or willfully removing, pruning, injuring, or defacing shrubs and trees, or of throwing or depositing individual advertisements and other material.

### **PROCEDURE FOR CUTTING OR REMOVING TREES OR SHRUBS**

The bill extends to municipal property a law allowing anyone seeking to cut or remove a tree or shrub on public roads or grounds to apply in writing to the town or borough tree warden or transportation commissioner (“authorizing authority”) for permission to do so. It also makes several changes in the law.

Specifically, it requires that permit applications to cut or remove a tree or shrub on municipal property or near public grounds or roads be acknowledged by the authorizing authority (1) at the start of the public comment period or public hearing or (2) on the authorizing authority’s decision to forego the public hearing.

### ***Cases Involving a Public Utility***

By law, when the applicant for such a permit is a public utility, a party aggrieved by the authorizing authority’s decision has 10 days to appeal to the Public Utilities Regulatory Authority (PURA), which may confirm, change, or set aside the decision. PURA’s decision is

final.

Under the bill, a tree warden's reasonable delay in making a decision on a permit application, pending public comment or a public hearing on the matter, cannot be considered a denial or grounds for an appeal to PURA.

## **UTILITY PROTECTION ZONES**

The bill requires utilities to comply with its provisions, including applying in writing for permission to cut or remove trees or shrubs, when managing vegetation in any part of a utility protection zone located on municipal property. It subjects utilities that do not comply with the bill's and existing law's requirements when managing vegetation in such zones to civil penalties of up to \$10,000 for each violation, in addition to other penalties under law. But it exempts from these requirements those cases in which a utility prunes or removes a tree that is in direct contact with an energized electrical conduct or that has visible signs of burning.

By law, a utility can prune or remove a tree or shrub in a utility protection zone, or along a public road, highway, or ground, as long as it first provides notice to the abutting property owner or private property owner. The law requires notice to be given at least 15 business days before the tree or shrub pruning or removal. The bill specifies that, for such tree work in a public right-of-way, notice is not considered delivered until the application for the work is made and acknowledged as the law and the bill provide.

## **BACKGROUND**

### ***Utility Protection Zone***

By law, a utility protection zone is a rectangular area extending horizontally for a distance of eight feet from an outermost electrical conductor or wire installed from pole to pole and vertically from the ground to the sky.

### ***Vegetation Management***



By law, vegetation management is the retention of trees or shrubs compatible with utility infrastructure and the pruning or removal of trees, shrubs, or other vegetation that pose a risk to the reliability of that infrastructure.

**COMMITTEE ACTION**

## Environment Committee

Joint Favorable

Yea 24 Nay 6 (02/22/2017)

## Planning and Development Committee

Joint Favorable

Yea 22 Nay 0 (03/31/2017)